

**U.S. Department of the Interior
Bureau of Land Management**

DECISION RECORD

**Big Horn Rural Electric Company Power Line and
Ten Sleep Solid Waste Water Pipeline Rights-of-way**

June 2016



PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Worland Field Office

Decision Record - Memorandum

DECISION

It is my decision to approve the associated rights-of-way (ROWs) described as Proposed Action of Environmental Assessment No. DOI-BLM-WY-R010-2016-0018-EA, and to include those measures proposed by Big Horn Rural Electric Company (BHREA) and Ten Sleep Solid Waste (TSSW) ROW applications and Plans of Development.

The Proposed Action was chosen as being the most environmentally sound alternative. Terms and Conditions necessary for this action are attached and considered a part of this approval. This action has been analyzed in the referenced EA and found to have no significant impacts, thus an EIS is not required.

Authorities:

NEPA (42 U.S.C. §§ 4321- – 4347), as amended
Title V of FLPMA, Sec. 501. [43 U.S.C. 1761]

Mitigation and Monitoring:

To assure compliance with the approved action, the holder will be responsible for contacting the Authorized Officer 5 days prior to initiation of actions to allow for inspection of operations.

The project would be monitored during regularly scheduled field inspections.

Terms / Conditions / Stipulations:

These authorizations will be granted subject to the Terms and Conditions as attached.

PLAN CONFORMANCE AND CONSISTENCY

This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR 1610.5. The proposed action conforms to the Record of Decision and Approved Resource Management Plan for Worland dated September 21, 2015. The decisions in the Worland Resource Management Plan (WRMP) provide overall management direction for resources on BLM-administered land in the Worland Field Office, Wyoming.

The Worland RMP (pgs 107-109) delineates right-of-way corridors, right-of-way avoidance areas, right-of-way exclusion area, and areas available for right-of-way. The Worland RMP states that the BLM would manage public lands to meet transportation and ROW needs by providing opportunities to meet ROW demands while protecting important resources.

The primary goal for managing Rights-of-way and Corridors in the Worland Management Area, is to manage the public lands to meet transportation and ROW needs consistent with goals and objectives of other resources. Objectives of this goal include, provide opportunities to meet ROW demands while

protecting important resources and maintain a transportation management system in cooperation with appropriate state and local agencies to meet public and resource management needs.

The Proposed Action is in conformance with the following management actions from the RMP, and their application meets the goals and objectives for Rights-of-way and Corridors.

6023, The preferred location of new ROW will be in or adjacent to existing disturbed areas associated with existing ROW or high traffic gravel roads or highways, where possible.

6029, Manage 1,767,274 acres as ROW avoidance areas (Map 3-24). Manage PHMAs as ROW avoidance areas for new ROW or SUA permits (799,391 acres). Within PHMAs where new ROWs/SUAs are necessary, locate new ROWs/SUAs within designated RMP corridors or adjacent to existing ROWs/SUAs where technically feasible. Subject to valid existing rights, including non-federal land inholdings, locate new, required ROWs/SUAs adjacent to existing ROWs/SUAs or where impacts to Greater Sage-Grouse are minimized. Work with proponents to design ROW applications to protect Greater Sage-Grouse.

In addition to those management actions specific to Rights-of-way and Corridors and lands and realty, the Proposed Action also conforms to the following management actions to protect other important resources.

Common to All

0001 - Surface-disturbing activities are subject to the Wyoming BLM Mitigation Guidelines for Surface-Disturbing and Disruptive Activities, the Wyoming BLM Reclamation Policy, and the Wyoming DEQ-WQD's Storm Water Permitting Program.

Air, Soils, and Water

1005 - BLM actions will conform with Wyoming DEQ Air Quality Standards and Regulations through application of BMPs and other measures consistent with resource goals and objectives.

1007 - Use BMPs to reduce runoff, soil erosion, and sediment yield, and to retain water on the landscape.

1010 - Allow surface-disturbing activities on fragile soils, biological crusts, soils with low reclamation potential, and soils with highly erosive characteristics on a case-by-case basis.

1014 – 1022 – Describe requirements to attain successful reclamation through seeding, erosion control, and soils handling.

1031 – Control water runoff from disturbed or developed sites and control soil erosion to appropriate rates for natural conditions through the Wyoming Storm Water Discharge Program using appropriate BMPs and technologies.

Invasive Species

4037 - Manage invasive plant species in the planning area in conjunction with local counties and other stakeholders consistent with the ROD for the Final PEIS addressing Vegetation Treatments

Using Herbicides on BLM Lands in 17 Western States, and current with policy and similar guidance updated over time.

4038 - Manage invasive plant species using an Integrated Pest Management approach consistent with DOI Manual 517, Integrated Pest Management.

4041 - Use certified noxious weed-seed free vegetation products on all BLM-administered land in the planning area.

Cultural and Paleontological Resources

5008 - Pursuant to Section 106 of the National Historic Preservation Act of 1966 as amended, the National Programmatic Agreement (BLM, ACHP, and National Conference of SHPO 2012), and the State Protocol (BLM and Wyoming SHPO 2014), case-by-case reviews for specific undertakings require analysis and assessments of effects. Such analysis and assessment may reveal the need for additional restrictions beyond those specifically described in this RMP.

5015 - Surface-disturbing activities associated with the construction and use of sites and facilities are subject to appropriate mitigation developed through implementation of the National Programmatic Agreement (BLM, ACHP, and National Conference of SHPOs 2012) and the State Protocol (BLM and Wyoming SHPO 2014).

5027- Protect vertebrate and scientifically significant paleontological resources on BLM-administered land from proposed surface-disturbing activities that could damage or destroy these resources.

5028 - Avoid surface-disturbing activities in areas in the immediate vicinity of scientifically significant paleontological resource sites.

Visual Resources

5046 - Manage visual resources in accordance with VRM class objectives.

5047 - Meet the VRM objectives before authorizing land uses that may affect the visual character of the landscape.

ALTERNATIVES CONSIDERED

The Environmental Assessment (EA) for the Project considered two alternatives, No Action and the Proposed Action with Mitigation.

The No Action alternative assessed the effects of not implementing any portion of the proposal. The No Action alternative implies that on-going development and activities would be allowed to continue in the area, but the proposed action would be disallowed. Additional actions would be considered by the BLM on a case-by-case basis.

The Proposed Action alternative assessed and disclosed the projected effects of the applicant's proposal as submitted, with BLM staff specialists input. It was felt that certain mitigation measures were necessary

and proper to provide adequate protection of the surface. For the purpose of analysis, Terms and Conditions attached are part of this alternative.

RATIONALE FOR DECISION

Approval of the Proposed Action will allow BHREA & TSSWD to construct a 14.4 kV Overhead/ Underground single phase distribution power line, serial number WYW-165347 and a 3” buried water pipeline to serve the Ten Sleep Solid Waste Transfer Station, serial number WYW-165348, south of Ten Sleep, Washakie, Wyoming, as provided for by the Federal Land Policy and Management Act of 1976, as amended. This decision recognizes that there will be minimal impacts to resources until such time as the site has been successfully reclaimed. Implementation of the mitigation measures stated above will address impacts to resource values identified in the EA.

Protest and Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (BLM Worland Field Office, 101 S. 23rd St., Worland, WY 82401) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR §2801.10 or 43 CFR § 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) the relative harm to the parties if the stay is granted or denied;
- (2) the likelihood of the appellant's success on the merits;
- (3) the likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) whether the public interest favors granting the stay.

/s/Michael J. Phillips

June 7, 2016

Worland Field Office Manager

Date

Terms and Conditions

WYW-165347, 14.4 kV Overhead/Underground Distribution Line ROW

Big Horn Rural Electric Company

In addition to the standard and general Terms and Conditions in the right-of-way grant, the following Specific Terms & Conditions are for the construction, operation, maintenance, and termination of the power line Right-of-Way WYW-165347.

NEPA Number DOI-BLM-WY-R010-2016-0018-EA

Erosion Control

1. Operators are required to obtain a National Pollution Discharge Elimination System (NPDES) Storm Water Permit from the Wyoming DEQ for any projects that disturb one acre or more. This general construction storm water permit must be obtained from the WDEQ prior to any surface disturbing activities and can be obtained by following direction on the WDEQ website at <http://deq.state.wy.us>. Further information can be obtained by contacting the NPDES coordinator at (307) 775-7570.
2. The operator shall ensure all appropriate measures are taken to control erosion. Upon completion of construction the operator shall initiate the approved Storm Water Discharge Plans on the location.

Construction

1. The operator shall contact the authorized officer a minimum of 5 days prior to beginning any construction activity.
2. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
3. Construction-related traffic shall be restricted to approved routes. Cross-country vehicle travel shall not be allowed.
4. The holder will be responsible for taking such measures as may be necessary to protect other authorized facilities on public lands from damage due to construction or use of this ROW. The holder is responsible for contacting those other users and coordinating with them.
5. The holder shall mark the exterior boundaries of the right-of-way with a stake and/or lath. The intervals may be varied at the time of staking at the discretion of the authorized officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the holder. The survey station numbers will be marked on the boundary stakes and/or laths at the entrance to and the exit from public land. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed and approved by the authorized officer. The stakes and/or laths will then be removed at the direction of the authorized officer.
6. All design, material, construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
7. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.

8. Construction activity shall not be conducted using frozen or saturated soil material or during periods when watershed damage or excessive rutting is likely to occur.
9. All soil material disturbed will be placed in an area where it can be retrieved without creating additional undue surface disturbance and where it does not impede watershed and drainage flows.
10. Topsoil shall be removed from all areas to be disturbed and from areas where subsoil materials will be stored. Topsoil shall be stripped to an average depth of 6 inches.
11. With the overall objective of minimizing surface disturbance and retaining land stability, the operator shall utilize equipment that is appropriate to the scope and scale of work being done for construction of the pipeline (utilize equipment no larger than needed for the job).
12. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the application/plan of development which was approved and made part of the grant on its effective date. Any relocation, additional construction, or use that is not in accord with the approved grant/plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
13. Unless otherwise agreed to by the authorized officer in writing, power lines shall be constructed in accordance to standards outlined in Suggested Practices for Avian Protection On Power Lines: The State of the Art in 2006; Avian Power Line Interaction Committee, (APLIC), 2006, and Reducing Avian Collision with Power Lines: The State of the Art in 2012, APLIC, 2012. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are eagle safe. Such proof shall be provided by a raptor expert approved by the authorized officer. The Bureau of Land Management reserves the right to require modifications or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.
14. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse and wire.
15. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U. S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized

officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holders shall be responsible for the survey cost.

Cultural

1. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

- whether the material appears eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

Paleontology

1. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing paleontological localities, or for collecting vertebrate fossils. If paleontological materials are uncovered during operations, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO).

Within five (5) working days the AO will evaluate the discoveries and take necessary actions to protect or remove the resource. Decisions regarding the appropriate measures to mitigate effects to such resources will be made in consultation with the operator.

General

1. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. No refuse, discarded poles, hardware, wire or other waste material is allowed on the right-of-way.
2. The authorized officer may add additional conditions of approval to protect resources, if conditions require it. The operator shall comply with applicable laws and regulations.

Weeds

1. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
2. The holder shall be responsible for prevention and control of noxious weeds and weeds of concern on all areas of surface disturbance associated with the right-of-way. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of Interior.

Prior to the use of pesticides on public land, the holder shall obtain from the BLM authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer to such use.

Reclamation

1. The holder shall evenly spread the excess soil excavated from pole holes within the right-of-way and in the immediate vicinity of the pole structure.
2. All disturbed areas shall be drill seeded. Where drilling is impractical, seed shall be broadcast and the area raked or chained to cover seed.

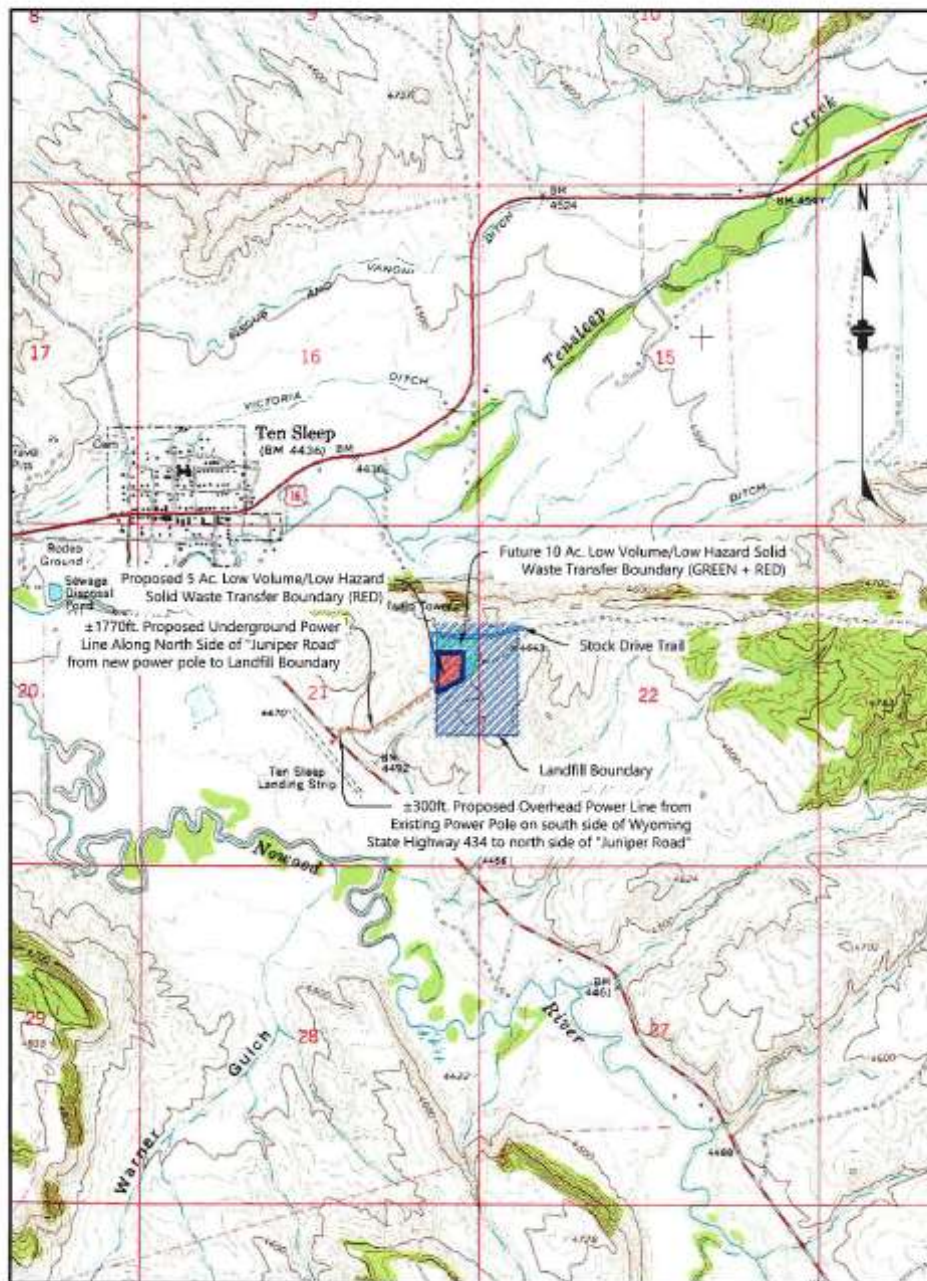
All disturbed areas shall be reseeded with the following mixture of all Pure Live Seed

Plant Species for Saline Loamy (5"-9")	Pounds PLS/Acre
Indian ricegrass (<i>Achnatherum hymenoides</i>)	1.4
Western wheatgrass (<i>Pascopyrum smithii</i>)	1.5
Needle and Thread (<i>Hesperostipa comata</i>)	3.9
Bluebunch wheatgrass (<i>Pseudoroegneria spicata</i>)	1.0
Wyoming big sagebrush (<i>Artemisia tridentata</i> <i>wyomingensis</i>)	0.10
Scarlet globemallow (<i>Sphaeralcea coccinea</i>)	0.10
Total	8.0

Fall seeding shall be completed after September 1, and prior to ground frost. Spring seeding shall be completed after the frost has left the ground and prior to May 15. Seeding shall be repeated if a satisfactory stand is not obtained.

Abandonment

1. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The Authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.



0 2000' 4000'
(Scale: 1:24000)

EXHIBIT

Proposed Power Line Easement Along North Side
of Existing Road, "Juniper Road" from South side of
Wyoming State Highway 434 to Landfill Boundary

In SE1/4NE1/4 and N1/2SE1/4 of Section 2

T. 47 N., R. 88 W. of the 6th P.M., Resurvey,

Washakie County, Wyoming

January 2016

RECEIVED

APR 15 2016

BUREAU OF LAND MANAGEMENT
WORLDWIDE FIELD OFFICE

WYW-165347

DONNELL & ALLRED, INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
1000 E. HONOLULU AVENUE, SUITE 200
HONOLULU, HAWAII 96813
WWW.DONNELLANDALLRED.COM

Terms and Conditions

WYW-165348, Water Pipeline ROW Ten Sleep Solid Waste District

In addition to the standard and general Terms and Conditions in the right-of-way grant, the following Specific Terms & Conditions are for the construction, operation, maintenance, and termination of the water pipeline Right-of-Way WYW-165348.

NEPA Number DOI-BLM-WY-R010-2016-0018-EA

Erosion Control

1. Operators are required to obtain a National Pollution Discharge Elimination System (NPDES) Storm Water Permit from the Wyoming DEQ for any projects that disturb one acre or more. This general construction storm water permit must be obtained from the WDEQ prior to any surface disturbing activities and can be obtained by following direction on the WDEQ website at <http://deq.state.wy.us>. Further information can be obtained by contacting the NPDES coordinator at (307) 775-7570.
2. The operator shall ensure all appropriate measures are taken to control erosion. Upon completion of construction the operator shall initiate the approved Storm Water Discharge Plans on the location.

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6. All design, material, construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
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13. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
14. The general construction guidance in the BLM "Gold Book", Surface Operation Standards for Oil and Gas Exploration and Development, Fourth Edition, shall be followed.
15. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U. S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holders shall be responsible for the survey cost.

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1. All disturbed areas shall be drill seeded. Where drilling is impractical, seed shall be broadcast and the area raked or chained to cover seed.

All disturbed areas shall be reseeded with the following mixture of all Pure Live Seed

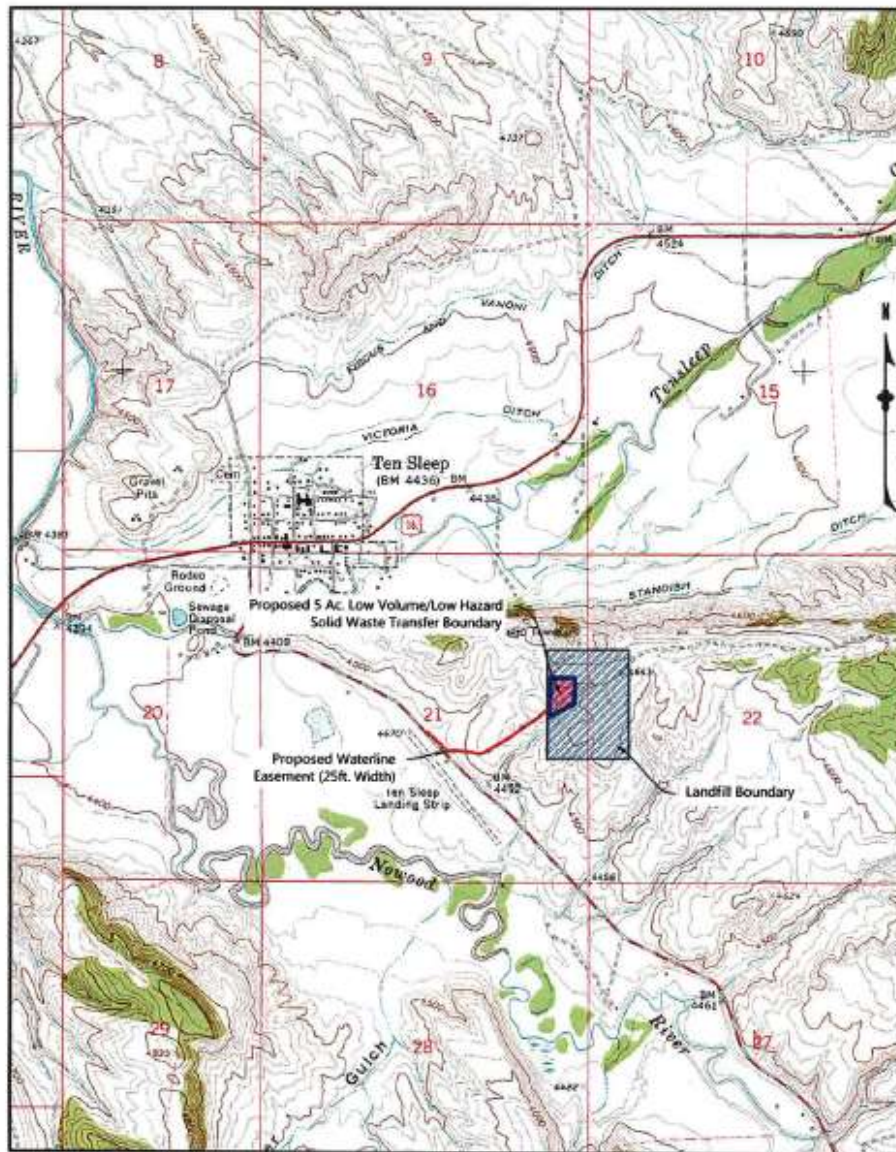
Plant Species for Saline Loamy (5"-9")	Pounds
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	PLS/Acre
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Scarlet globemallow (<i>Sphaeralcea coccinea</i>)	0.10
Total	8.0

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1. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, abandonment in place and recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.



"EXHIBIT"

0 2000' 4000'
(Scale: 1:24000)

PROPOSED
WATERLINE EASEMENT
ALONG THE NORTHERLY WYOMING STATE HIGHWAY 434
RIGHT OF WAY AND THE NORTH SIDE OF EXISTING
LANDFILL ACCESS ROAD, "JUNIPER ROAD"
IN THE NW1/4SE1/4, NE1/4SE1/4 AND SE1/4NE1/4
OF SECTION 21
ORIGINAL GOVERNMENT SURVEY
LOT 7, LOT 9 AND THE NE1/4SE1/4 OF SECTION 21
RESURVEY
T. 47 N., R. 88 W.,
WASHAKIE COUNTY, WYOMING
January, 2016

RECEIVED

JAN 25 2016

WYW-165348



**DONNELL &
ALLRED, INC.**
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS

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